

INTER-OFFICE COMMUNICATIONS

Palm Beach County, Florida

DEC 30 1985

TO: John Sansbury, County Administrator
Lisa Heasley, County Attorney's Office
Herb Kahlert, County Engineer
David Bludworth, State Attorney
Joy Shearer, Asst. Attorney General
Captain Cook, Sheriff's Dept. -Civil
Frank Schulz, Sheriff's Office
Bob Basehart, Planning, Zoning & Bldg.
Bob Palchanis, Building Division, Director
Sandy Sprague, Assistant County Attorney
Patty Young -4th District Court of Appeals
Law Library
(2) County Library

DATE: December 27, 1985

FROM: John W. Dame, Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO. 85-41

TITLE REFERENCE:

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 80-8, AS AMENDED BY ORDINANCE NO. 81-27, NO. 82-26, NO. 83-5, NO. 84-1 AND NO. 84-16 TO INCORPORATE THE CHANGES FROM THE FIFTH ANNUAL REVIEW OF THE PALM BEACH COUNTY COMPREHENSIVE PLAN, PROVIDING FOR: AMENDMENTS TO THE COMPREHENSIVE PLAN; REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; AND EFFECTIVE DATE.

Attached is a copy of the above referenced Ordinance of Palm Beach County. This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is December 23, 1985 at 11:27 A.M.

Signed


Deputy Clerk

JWD:

Attachment

* cc: Commissioners, BCC
Clerk
Minutes

*If a complete copy of ordinance is needed, please advise this office and we will be happy to provide a copy.

ORDINANCE NO. 85-41

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 80-8, AS AMENDED BY ORDINANCE NO. 81-27, NO. 82-26, NO. 83-5, NO. 84-1 AND NO. 84-16 TO INCORPORATE THE CHANGES FROM THE FIFTH ANNUAL REVIEW OF THE PALM BEACH COUNTY COMPREHENSIVE PLAN, PROVIDING FOR: AMENDMENTS TO THE COMPREHENSIVE PLAN; REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, the Local Government Comprehensive Planning Act of 1975, as amended, Section 163.3161, et seq., Florida Statutes, requires each local government in the State of Florida to adopt a Comprehensive Plan to guide and control future development; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, pursuant to said act, adopted Ordinance No. 80-8, establishing the Palm Beach County Comprehensive Plan; and

WHEREAS, the Comprehensive Plan provides for an annual review to determine the necessity of any changes proposed by the County or members of the public; and

WHEREAS, on July 15, 22, and August 7, 1985, the Board of County Commissioners sat as the Palm Beach County Local Planning Agency to review all proposed changes and made recommendations therein; and

WHEREAS, on July 15, 22, and August 7, 1985, the Board of County Commissioners adopted amendments to the Future Land Use Element involving less than five (5%) percent of the total land area of unincorporated Palm Beach County pursuant to Section 163.3184(7) (b), Florida Statutes, thereby determining consistency with the adopted Comprehensive Plan of Palm Beach County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION I.

AMENDMENTS TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN INVOLVING LESS THAN FIVE (5%) PERCENT OF THE TOTAL LAND AREA OF UNINCORPORATED PALM BEACH COUNTY.

The Palm Beach County Comprehensive Plan adopted as Palm Beach County Ordinance No. 80-8, Pages 1-14, (Land Use Element)

as amended by Ordinances No. 81-27, No. 82-26, No. 83-5, No. 84-1 and No. 84-16, is hereby amended as follows:

A. COMMERCIAL POTENTIAL DESIGNATIONS. Beginning on Page 8, the Specific Permitted Commercial and Industrial Locations and Special Land Use Policies and Regulations by Reference Area section is hereby amended to add the following Commercial Potential designations:

1) Area No. 7

10. West side of Military Trail, Lots 19 and 20 of the Square Lake Subdivision, 750' \pm south of Northlake Boulevard.

2) Area No. 8

12. East side of Osceola Drive, 810' \pm north of Westgate Avenue, West Gate Estates Subdivision (Northern Section), Block 11, Lots 31-45, inclusive, and Block 17, Lots 7-15, inclusive. Together with that abandoned portion of Chickamunga Avenue, being bounded on the north by Lots 37-45, inclusive, Block 11, and on the south by Lots 7-15, inclusive, Block 17, West Gate Estates.

13. Southeast corner of intersection of Congress Avenue and Westgate Avenue, for the property more particularly described as follows: Beginning at the southeast corner of said intersection with 267' \pm on Congress Avenue; for five parcels of land with 193' \pm depth maximum; in Replat of Madrid Park, South 92.98' of East 193' of West 233'.

3) Area No. 9

8. Northwest corner of intersection of Military Trail and 12th Street, for the property more particularly described as follows: That portion of Tract 705 only, being easterly 474.02' of the South 330' of the SW 1/4 of S13/T43S/R42E; less easterly 50' thereof as right-of-way for Military Trail.

9. East 800' \pm of P.B.F.C. Plat No. 3, Tract 2, Block 4, south of Dwight Road (extended) and north of Country Place Road (extended) in S27/T43S/R42E.

10. Southeast corner of intersection of Belvedere Road and State Road No. 7, for the property more particularly described as follows: Beginning at the southeast corner of said intersection with 2,510'± on Belvedere Road and 1,258'± on State Road No. 7, less the east 921.22' of the south 595.93' on the north side of the Fairgrounds Boulevard right-of-way (1,588.78' east of State Road No. 7).

4) Area No. 13

4. Southeast corner of intersection of Pierson Road and Fortune Way; specifically, only Lots 1 and 2 of Parcel D, Commerce Park at Wellington, P.I.D.; S23/T44S/R41E.

5) Area No. 15

19. The area bounded by Congress Avenue on the west, Ranch House Road and the easterly extension thereof on the south, the Oak Ridge Unrecorded Subdivision and the southerly extension thereof on the east, and the West Palm Beach Canal C-51 on the north (also industrial). (For uses consistent with Federal Aviation Administration guidelines for airport compatibility only.)

20. North side of Forest Hill Boulevard, 250' east of Military Trail, with 550'± frontage on Forest Hill Boulevard and 600'± depth maximum; includes Lots 1-18, inclusive, Erie Terrace Subdivision.

6) Area No. 16

25. East side of Seacrest Boulevard with 500'± on Seacrest Boulevard, beginning 400'± south of Hypoluxo Road, 100'± north of Loquat Drive; the west 253.02' of Tract J, San Castle Subdivision Fourth Addition.

26. Northeast corner of intersection of Lawrence Road and Tucks Road, Lot 1 only, Ben Tuck's Subdivision, unrecorded.

7) Area No. 17

11. Northeast corner of intersection of Lantana Road and State Road No. 7, Tracts 41 and 42 only, approximately 1,200' total on Lantana Road and 500' on State Road No. 7.

12. Southwest corner of intersection of Lake Worth Road and Charleston Street, Lots 1 and 2 only, approximately 200' total on Lake Worth Road and 120' on Charleston Street.

8) Area No. 20

14. South side of West Atlantic Avenue (Delray West Road), with 1,000'± on West Atlantic Avenue, beginning 1,320'± east of Carter Road (Jog Road), east of El Clair Ranch Road and the southerly extension thereof; 600'± depth maximum.

B. INDUSTRIAL POTENTIAL DESIGNATIONS. Beginning on Page 8, the Specific Permitted Commercial and Industrial Locations and Special Land Use Policies and Regulations by Reference Area section is hereby amended to add the following Industrial Potential designations:

1) Area No. 9

4. West 1,800' ± of P.B.F.C. Plat No. 3, Tract 2, Block 4, less the west 8' thereof, less the north 300' of the west 660.02' thereof, and also less the south 150' thereof; east of Skees Road, between Dwight Road and Country Place Road in S27, S28/T43S/R42E.

5. West 275'± of P.B.F.C. Plat No. 3, Tract 1, Block 6, with 600' ± depth; on south side of Belvedere Road approximately 850' ± west of the Florida Turnpike.

2) Area No. 15

6. The area bounded by Congress Avenue on the west, Ranch House Road and the easterly extension thereof on the south, the Oak Ridge Unrecorded Subdivision and the southerly extension thereof on the east, and the West Palm Beach Canal C-51 on the north (also commercial). (For uses consistent with Federal Aviation Administration guidelines for airport compatibility only.)

C. SPECIAL POLICIES. Beginning on Page 8, the Specific Permitted Commercial and Industrial Locations and Special Land Use Policies and Regulations by Reference Area section is hereby amended to add the following Special Policies:

1 1) Area No. 7

2 3. The Land Use Plan Category is changed from
3 Low to Medium (L-M) Residential to Medium to Medium High (M-MH)
4 Residential for the area bounded by the Florida Turnpike on the
5 west, 45th Street on the south, Parke Avenue and the northerly
6 extension thereof on the east, and North Palm Beach Water Control
7 District Canal EPB-10 on the north.

8 2) Area No. 17

9 1. The Land Use Plan Category is changed from
10 Medium to Medium High Residential to Low to Medium Residential
11 for the area bounded by Melaleuca Lane on the north, the L.W.D.D.
12 Equalizing Canal E-3 on the west, the L.W.D.D. Lateral Canal No.
13 14 on the south, and a line 623'± west of and parallel to
14 Military Trail on the east.

15 3) Area No. 18

16 3. Because of the altered nature of the land de-
17 scribed as the Delray Training Center and the fact that the
18 existing use was established prior to the adoption of the
19 Comprehensive Plan in 1980, the Delray Training Center, described
20 as the south one-quarter of S20/T46S/R42E, less Turnpike right-
21 of-way, and the north half of S29/T46S/R42E, less Turnpike
22 right-of-way; more specifically described as follows:

23 Palm Beach Farms Company Plat 1, Subtract 35, less Turnpike
24 right-of-way; TOGETHER WITH Palm Beach Farms Company Plat 1,
25 Subtracts 36 through 62, including West of Turnpike right-
26 -of-way; TOGETHER WITH Palm Beach Farms Company Plat 1,
27 Subtracts 4 and 29, less Turnpike right-of-way and Tracts 5
28 through 28, inclusive; TOGETHER WITH Palm Beach Farms
29 Company Plat 1, Subtracts 100 to 125, inclusive, less
30 Turnpike right-of-way,

31 may be developed at a density up to one (1) dwelling unit per
32 acre as an agricultural PUD under the provisions of the Zoning
33 Code and Comprehensive Plan, provided however, that the twenty
34 (20) percent buildable as referred to in Part 3,D of the Reserve
35 Area development options may be increased up to twenty-five (25)
36 percent, so long as the existing use as a thoroughbred horse
 training and breeding facility is maintained and in this par-
 ticular instance may be considered as acceptable open space for
 the project.

1 D. LAND USE MAP CHANGES. The Land Use Plan map is amended
2 as follows:

3 1. The Land Use Plan Category is changed from Low to
4 Medium (L-M) Residential to Medium to Medium High (M-MH) Resi-
5 dential for the area bounded by the Florida Turnpike on the
6 west, 45th Street on the south, Parke Avenue and the northerly
7 extension thereof on the east, and North Palm Beach Water
8 Control District Canal EPB-10 on the north.

9 2. The Land Use Plan Category is changed from Medium
10 to Medium High Residential to Low to Medium Residential for the
11 area bounded by Melaleuca Lane on the north, the L.W.D.D.
12 Equalizing Canal E-3 on the west, the L.W.D.D. Lateral Canal No.
13 14 on the south, and a line 623'± west of and parallel to
14 Military Trail on the east.

15
16 SECTION II.

17 REPEAL OF CONFLICTING ORDINANCES

18 All ordinances or parts of ordinances in conflict herewith
19 are hereby repealed to the extent of such conflict.

20 SECTION III.

21 SEVERABILITY

22 Should any section or provisions of this ordinance or any
23 portion thereof, any paragraph, sentence or word ever be held or
24 declared to be unconstitutional, inoperative or void, such decision
25 shall not affect the validity of the remaining portions of this
26 ordinance.

27 SECTION IV.

28 EFFECTIVE DATE

29 The provisions of this ordinance shall become effective upon
30 receipt of acknowledgement by the Department of State, State of
31 Florida.

32 APPROVED and ADOPTED by the Board of County Commissioners of
33 Palm Beach County, Florida on the 10th day of December,
34 1985.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: *[Signature]*

Chairman

Acknowledged by the Department of the State of Florida, on
this, the 19th day of December, 1985, and
filed in the office of the Clerk of the Board of County
Commissioners of Palm Beach County, Florida.

EFFECTIVE DATE: Acknowledgment from the Department of
State received on the 23rd day of December, 1985,
at 11:27 A.M., and filed in the office of the Clerk of the Board
of County Commissioners of Palm Beach County, Florida.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: *[Signature]*

County Attorney

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DONNELLY, Clerk of the
Board of County Commissioners, do hereby certify this to
be a true and correct copy of the original filed in
my office on 12/10/85
DATED at West Palm Beach, FL on 12/27/85
JOHN B. DONNELLY
By: *[Signature]* D.C.
Deputy Clerk